

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**REPUBLICAN NATIONAL
COMMITTEE; MISSISSIPPI
REPUBLICAN PARTY; JAMES
PERRY; and MATTHEW LAMB**

PLAINTIFFS

VS.

Civil Action No. 1:24-cv-00025-LG-RPM

**JUSTIN WETZEL, *in his official
capacity as the clerk and registrar of the
Circuit Court of Harrison County*; TONI
JO DIAZ, BECKY PAYNE, BARBARA
KIMBALL, CHRISTENE BRICE, and
CAROLYN HANDLER, *in their official
capacities as members of the Harrison
County Election Commission*; and
MICHAEL WATSON, *in his official
Capacity as the Secretary of State of
Mississippi***

DEFENDANTS

**DEFENDANTS' UNOPPOSED MOTION TO EXEMPT DEFENDANTS FROM FILING
ANSWER TO PLAINTIFFS' COMPLAINT TO ACCOMMODATE PARTIES'
ANTICIPATED FILING OF EARLY CROSS-MOTIONS FOR SUMMARY JUDGMENT**

Comes now the Defendants, JUSTIN WETZEL, in his official capacity as the clerk and registrar of the Circuit Court of Harrison County and TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL, CHRISTENE BRICE, and CAROLYN HANDLER, in their official capacities as members of the Harrison County Election Commission (“Defendants”), pursuant to FED. R. CIV. P. 7, files their unopposed motion to exempt these Defendants from filing an answer or other response to Plaintiffs’ Complaint to accommodate the parties’ anticipated filing of early cross-motions for summary judgment, and in support thereof would show unto the Court the following:

1. This Court has entered an Order (DKT#27) exempting the Co-Defendant, MICHAEL

WATSON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI, DEFENDANT from filing an Answer pending filing of dispositive Motions.

2. These Defendants intend to follow the lead of the Defendant, MICHAEL WATSON, In His Official Capacity As Secretary Of State Of Mississippi, Defendant in responding thereto as they are merely county officials who must follow the laws enacted by the Legislature unless deemed unconstitutional.

3. These Defendants likewise move for an Order exempting them from filing an answer on the same terms as set for the Order (DKT#27) for the Defendant, MICHAEL WATSON, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE OF MISSISSIPPI.

4. In filing this motion, Defendants preserve, and do not waive, any and all defenses to the Complaint filed against them in the instant action and the above-mentioned related action.

5. Counsel for Plaintiff has advised that the relief sought herein is unopposed.

6. This motion is not interposed for delay or other improper purpose. Given the straightforward nature of the relief sought herein, Defendant requests that the Court waive the requirement of filing a separate memorandum of authorities.

WHEREFORE, PREMISES CONSIDERED, Defendants, JUSTIN WETZEL, in his official capacity as the clerk and registrar of the Circuit Court of Harrison County and TONI JO DIAZ, BECKY PAYNE, BARBARA KIMBALL, CHRISTENE BRICE, and CAROLYN HANDLER, in their official capacities as members of the Harrison County Election Commission, respectfully requests that the Court make and enter its Order exempting them from filing an answer or other response to Plaintiffs' Complaint [Dkt. #1] by February 29, 2024, or otherwise, subject to further order of this Court regarding the prospective entry of a briefing schedule on the parties' anticipated cross-motions for summary judgment.

THIS the 26th day of February, 2024.

Respectfully submitted,

JUSTIN WETZEL, in his official capacity as the clerk
and registrar of the Circuit Court of Harrison County,
DEFENDANT

TONI JO DIAZ, BECKY PAYNE, BARBARA
KIMBALL, CHRISTENE BRICE, and CAROLYN
HANDLER, in their official capacities as members of
the Harrison County Election Commission,
DEFENDANTS

BY AND THROUGH THEIR COUNSEL OF
RECORD

BOYCE HOLLEMAN AND ASSOCIATES

By: /s/ Tim C. Holleman

CERTIFICATE OF SERVICE

I, Tim C. Holleman, Boyce Holleman & Associates, do hereby certify that I have this date filed
a copy of the above document with the Court's electronic filing system, which sent a notice to all
counsel of record.

This the 26th day of February, 2024.

By: /s/ Tim C. Holleman

Tim C. Holleman (Ms Bar #2526)
BOYCE HOLLEMAN & ASSOCIATES
1720 23rd Ave./Boyce Holleman Blvd.
Gulfport, MS 39501
Telephone: (228) 863-3142
Facsimile: (228) 863-9829
Email: tim@boyceholleman.com